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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA, ) No. CR 10-00210-RS  
18 Plaintiff, ) STIPULATION AND [PROPOSED]  
19 v. ) ORDER EXCLUDING TIME FROM  
JUAN ALBERTO OROZCO-LUJAN, ) APRIL 20, 2010 TO MAY 18, 2010 FROM  
Defendant. ) THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §  
3161(h)(8)(A))

20 On April 20, 2010, the parties appeared for a hearing before this Court. At that hearing,  
21 the government and defense requested an exclusion of time under the Speedy Trial Act based  
22 upon the defense counsel's need to effectively prepare by reviewing discovery materials  
23 submitted by the government and the need to jointly negotiate a resolution in this matter. At that  
24 time, the Court set the matter for a hearing on May 18, 2010.

25 The parties stipulate that the time between April 20, 2010 and May 18, 2010 is excluded  
26 under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested  
27 continuance would unreasonably deny defense counsel reasonable time necessary for effective  
28 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the

1 ends of justice served by granting the requested continuance outweigh the best interest of the  
2 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18  
3 U.S.C. §3161(h)(8)(A).

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5 DATED: April 22, 2010

JOSEPH P. RUSSONIELLO  
United States Attorney

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/s/  
DAVID M. PAXTON  
Assistant United States Attorney

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/s/  
MANUEL ARAUJO  
Attorney for Defendant

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## ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between April 20, 2010 and May 18, 2010, is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: 4/22/10

  
RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE